

REMARKS

This response is submitted in response to the Final Office Action of June 17, 2005. In the Office Action, the claims stand rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,665,406 to Reed, et al. ("*Reed*") in view of U.S. Patent No. 5,656,296 to Khan, et al. ("*Khan*"). For at least the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

Claims 9-26 are currently pending in this application. The claims recite, in part, products having a gum center and a coating comprising a medicament. The coating comprises at least 50% by weight of the product. Applicants respectfully submit that these claimed products are not taught or suggested by *Reed* or *Khan*, even when combined.

The Office Action states that the claimed invention is obvious over *Reed* in view of *Khan*. Applicants respectfully disagree. First, without hindsight, one of skill would not be motivated to combine a reference that teaches coated gum with a reference that teaches administration of sustained release medicaments. However, even if the references were combined, they still would not teach the claimed invention.

Khan discloses methods and systems for the sustained release of a drug. At no point in *Khan* is the medicament disclosed as located in a coating layer. Instead, *Khan* teaches systems having a core comprising a medicament and a waxy material, with a coating over the medicament. In fact, as the primary focus of *Khan* is on the delayed, sequential or timed release of medicaments, it teaches away from the claimed invention. One of skill in the art would not, in view of what *Khan* teaches, place a medicament in the coating of *Khan*, as *Khan* teaches delivery of drugs so as to resist degradation or disintegration for a selected period of time. This is converse to the rapid absorption of a medicament present within a coating. *Khan* not only does not teach a medicament in a coating layer, but it teaches away from such.

The *Khan* reference is relied upon because the other reference, *Reed* also does not teach, disclose or suggest placing such a medicament in a chewing gum. In the Office Action, it is acknowledged that *Reed* does not even teach a medicament. However, in its Response to Applicants' previous arguments, the Office Action appears to state that hydrogenated isomaltulose, present in the coating of the chewing gum taught by *Reed*, is an active agent. This, however, is inapposite, as hydrogenated isomaltulose is a polyol—a sugar-alternative component in the coating of *Reed*. In contrast, the medicaments of the claimed invention are agents such as

those used to treat diseases, for prophylactic purposes, to enhance performance, or the like. See Specification p. 1-8. As such, one of skill would not combine *Reed* with *Khan* to achieve the claimed invention.

Though the Office Action states that "...both Reed and Khan teach coating an active agent or a drug," Applicants are not claiming "coating an active agent or a drug." Instead, the claimed invention teaches products made up of a coating comprising a medicament. *Reed* does not teach, disclose or suggest a medicament at all, and *Khan* does not teach, disclose or suggest (and, in fact, teaches away from) a medicament as a component of a coating. As such, one of skill in the art at the time of invention would not combine the wholly unrelated references, and, even if combined, the references do not teach or suggest all of the claimed elements, as they each would not teach placing a medicament in the coating.

For at least these reasons, the combination of *Reed* in view of *Khan* does not render the claimed invention obvious, and, accordingly, Applicants respectfully request that the obviousness rejections with respect to Claims 9-26 be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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